United Nations A/C.3/62/SR.52

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Summary record of the 52nd meeting
Held at Headquarters, New York, on Wednesday, 21 November 2007, at 3 p.m.

Chairman: Mr. Wolfe ..... (Jamaica)

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(b) Human right questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

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07-60814 (E)

The meeting was called to order at 3.20 p.m.

Agenda item 70 (b): Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution A/C.3/62/L.30/Rev.1: Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization (*continued*)

1. **Ms. Giménez-Jiménez** (Bolivarian Republic of Venezuela) said that her Government had consistently maintained that democracy was a universal value based on the freely expressed will of peoples to determine their political, economic, social and cultural systems, without outside interference or intervention. While democracies shared a common basis, there was no single model since forms of democracy differed from region to region. It was imperative that sovereignty and self-determination be strictly respected. While her country recognized the representative democracy referred to in the draft resolution, it also defined itself as a participatory and proactive democracy. It was on that basis that her delegation had voted in favour of the draft resolution.

2. **Mr. Rees** (United States of America) said that the broad support for the resolution was indicative of Member States' appreciation for the vital role of the United Nations in promoting democracy, particularly free and fair elections, worldwide. His delegation did not consider the procedural discussion at the previous meeting of the Committee a precedent and reserved the right to raise those procedural issues again.

Draft resolution A/C.3/62/L.42: Elimination of all forms of intolerance and of discrimination based on religion or belief

3. **The Chairman** said that draft resolution A/C.3/62/L.42 had no programme budget implications.

4. **Ms. Tavares** (Portugal), speaking on behalf of the European Union and the other sponsors announced a number of revisions to the draft resolution. A new preambular paragraph which read, "*Underlining* the importance of education in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expressions, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief," had been inserted after the second preambular paragraph; after the third preambular paragraph, a new preambular paragraph reading, "*concerned* at attacks on religious places, sites and shrines, including any deliberate destruction of relics and monuments" had been added; and a new preambular paragraph reading, "*Recognizing* the importance of inter-religious and intrareligious dialogue and the role of religious and other non-governmental organizations in promoting tolerance in matters relating to religion or belief and in this regard welcoming the High Level Dialogue on 'Inter-religious and Intercultural Understanding and Cooperation for Peace' held in the General Assembly on 4-5 October 2007;" had been added after the current fifth preambular paragraph.

5. In paragraph 2, the second line starting from "theistic" should be deleted and replaced by, "all people, regardless of their religions or beliefs, and without any discrimination as to their equal protection by the law"; at the end of paragraph 4, the phrase "and the slow progress in the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief" should be inserted; in paragraph 5, the phrase beginning with "persons" should be deleted and replaced by "in vulnerable situations, including refugees, asylum seekers, and internally displaced persons, as regards their ability freely to exercise their right to freedom of religion or belief"; in paragraph 8, after the word "interrelated", the words "and mutually reinforcing" should be added and the rest of the paragraph should be deleted; a new paragraph reading, "Takes note of the report to the Human Rights Council by the Special Rapporteur on Freedom of Religion or Belief and the Special Rapporteur on Contemporary Forms of Racism on the incitement to racial and religious hatred and the promotion of intolerance" should be inserted after the current paragraph 8; and a new paragraph reading, "Emphasizes also that equating any religion with terrorism should be avoided, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned" should be inserted after the current paragraph 10.

6. With the adoption by consensus of the draft resolution, the international community was seeking to

promote full implementation by all actors in society of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to support the work of the Special Rapporteur on freedom of religion or belief. There could be no doubt that the right to freedom of religion or belief applied equally to believers and non-believers. Indeed, freedom of expression was an essential element of religion or belief and any attempt to lower the threshold of the acts referred to in article 20 of the International Covenant on Civil and Political Rights would diminish both freedom of expression and freedom of religion or belief. She hoped that the compromise arrived at would permit the draft resolution to be adopted by consensus.

7. **Mr. Khane** (Secretary of the Committee) announced that Armenia, Australia, Azerbaijan, Benin, Botswana, Brazil, Costa Rica, Côte d'Ivoire, the Philippines, Republic of Korea, Rwanda and Uganda had joined the sponsors of the draft resolution, as orally revised.

8. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.3/62/L.42, as orally revised, without a vote.

9. *Draft resolution A/C.3/62/L.42, as orally revised, was adopted.*

10. **Ms. Halabi** (Syrian Arab Republic) said that her country, in keeping with its long history of tolerance, rejected all forms of intolerance and discrimination based on religion or belief. It was important to refrain from equating any religion with terrorism. Accordingly, her delegation had joined the consensus on draft resolution A/C.3/62/L.42, while retaining the right to interpret subparagraphs 9 (a) and (b) in a manner consonant with national legislation.

11. **Ms. Nawaz** (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), said that freedom of thought, conscience and religion should be applied equally to all people, regardless of their religion or belief, without any discrimination as to their equal protection under law. Islamic civilization had reached its zenith around the beginning of the last millennium due to its inherent respect of freedom of thought and conscience, creating an environment conducive to the flourishing of deductive and inductive thought, and humanity was still reaping the benefits of the contributions of a number of great Muslim scientists, philosophers and scholars. For over 15 centuries, Jews, Christians and people of all other faiths had lived in peace and harmony with Islamic societies based on respect for their rights to freely exercise their religious practices and rituals and to preserve their religious sites. In keeping with that tradition, OIC hoped that future deliberations on freedom of religion in the Third Committee or in the Human Rights Council would be conducted in a constructive spirit. OIC member States had joined the consensus on draft resolution A/C.3/62/L.42 on the understanding that it contained nothing that would condone action aimed at the defamation of religion or incitement to religious or racial hatred. The exercise of the right of freedom of expression implied special duties and responsibilities and could therefore be subject to certain legal limitations necessary to respect the rights or reputation of others, to protect national security, public order, public health or morals and to ensure respect for religions and beliefs.

12. **Ms. Tavares** (Portugal) announced that, Albania, Burundi, Canada, Cape Verde, the Central African Republic, Colombia, the Congo, Georgia, Guatemala, Iceland, Madagascar, Mauritius, Moldova, New Zealand, Sao Tome and Principe, Serbia, Turkey, Ukraine, the United Republic of Tanzania, the United States of America and Uruguay had joined the sponsors of the draft resolution.

Draft resolution A/C.3/62/L.53/Rev.1: The right to food

13. **Mr. Khane** (Secretary of the Committee), speaking with regard to the financial implications of the draft resolution and referring to paragraphs 26, 27 and 33 thereof, said that the Secretary-General, in his statement of programme budget implications, had informed the Human Rights Council upon adoption of its resolution 6/2, that estimated requirements of $52,000 or $104,000 per biennium required to implement activities relating to the Special Rapporteur had already been included in the programme budget for the biennium 2006-2007 and the proposed programme budget for the biennium 2008-2009 under section 23, Human Rights. Upon adoption by the Human Rights Council of its report on its sixth session, the Secretary-General would report to the General Assembly on the revised estimates resulting from decisions of the Human Rights Council at its sixth session. Should the draft resolution be adopted by the General Assembly, no additional appropriations would be required. In addition, since the period for renewal of the mandate

extended into the biennium 2010-2011, the requirements for that period would be considered in the context of the proposed programme budget for the biennium 2010-2011. With regard to paragraph 27, he drew attention to the provisions of section VI of General Assembly resolution 45/248 B in which the Assembly had reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

14. **Ms. Pérez Álvarez** (Cuba), introducing the draft resolution noted that it had received broad support, thus reaffirming that the right to food was a human right, as recognized in a large number of international human rights instruments. The text emphasized that food security continued to have a global dimension and that the situation had worsened dramatically in some regions, particularly in Africa. Unfortunately some 854 million people worldwide, the overwhelming majority from developing countries, still lacked sufficient food and were unable to meet their basic needs. That situation was a violation of their fundamental human rights and an affront to their human dignity.

15. The draft resolution reaffirmed that without the consolidation of a peaceful, stable and enabling political, social and economic environment, at both the national and international levels, it would be impossible for States to give adequate priority to food security. It also emphasized the need for a range of urgent national, regional and international measures to eliminate hunger, including the mobilization and use of technical and financial resources. Commending the efforts of the Special Rapporteur, the Secretary-General and the High Commissioner for Human Rights, the draft resolution also welcomed the work undertaken by the World Food Programme and hoped that it would receive adequate funds to be able to continue its cooperation activities throughout the world, especially in Africa. She encouraged all Member States to sponsor the draft resolution to reaffirm their commitment to the right of all individuals to the right to food.

16. She announced that Albania, Andorra, Belgium, Bulgaria, Canada, Cyprus, Fiji, Greece, India, Japan, Moldova (Republic of), Montenegro, Nauru, Nepal, Pakistan, Rwanda, Saudi Arabia, the Solomon Islands, Somalia, Switzerland, the Syrian Arab Republic, Thailand, Trinidad and Tobago and Zimbabwe had joined in sponsoring the draft resolution.

17. The following oral revisions had been introduced to the text of the draft resolution: in paragraph 12, the words "taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples" had replaced "as appropriate, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples"; the term ", inter alia," had been inserted after "because of" in the fifth line of paragraph 14; and the phrase "expresses its appreciation for the work" had replaced "welcomes the valuable work" in paragraph 25. She also drew attention to a mistranslation of the term "emerging issues" in paragraph 33 of the Spanish version of the draft resolution.

18. **Ms. Pohjankukka** (Finland) said that the promotion and protection of economic, social and cultural rights was extremely important to Finland, as a traditional sponsor of the draft resolution on the right to food. It was most regrettable, therefore, that her delegation was obliged to withdraw as a sponsor of the current draft resolution because it could not accept the formulation in paragraph 12: "taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples". In the light of the high value that Finland placed on the Declaration, it was inappropriate to qualify that instrument in such terms. Her delegation hoped, however, that it would be able to join as a sponsor of the draft resolution at future sessions.

19. **Mr. Hill** (United States of America) requested a recorded vote on the draft resolution.

20. **Ms. Taracena Secaira** (Guatemala) agreed that the wording just referred to by the delegation of Finland was inappropriate. However, her delegation had accepted that formulation because of the need to include the right to food of indigenous people in the text.

21. **Mr. Suárez** (Colombia) said that his delegation, which traditionally supported the draft resolution on the right to food, would vote in favour of the current initiative. However, it wished to state Colombia's position with regard to the issue of biofuels in the context of respect for the right to food security. His delegation did not share the views and recommendations contained in the report on biofuels submitted during the current session. In that context, it

wished to stress that the Special Rapporteur on the right to food should continue to fulfil his mandates in accordance with the code of conduct governing his work.

22. **The Chairman** said that a recorded vote would be taken on draft resolution A/C.3/62/L.53/Rev.1.

23. **Mr. Hill** (United States of America), speaking in explanation of vote before the vote, said that, while his delegation agreed that the global food situation gave cause for considerable concern, it could not support the text as drafted. His Government had consistently maintained that the right to adequate food or to freedom from hunger was a goal to be attained progressively and did not give rise to any international obligations or diminish the responsibilities of national governments to their citizens. In the light of that long-standing position, the current draft resolution, like many others before it, contained numerous objectionable provisions, including inaccurate textual descriptions of the underlying right. As the largest donor of humanitarian food aid, the United States had proven its profound commitment to promoting food security by its actions. He hoped that in future sponsors of the resolution would work with the United States to accommodate its concerns.

24. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/62/L.53/Rev.1, as orally revised.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

25. *Draft resolution A/C.3/62/L.53/Rev.1, as orally revised, was adopted by 176 votes to 1.*

26. **Mr. Vandeville** (France), speaking in explanation of vote after the vote, said that his delegation had voted in favour of the draft resolution introduced by Cuba and had sponsored that initiative based on the merits of the text. France supported the promotion of the right to food and appreciated the work accomplished by the Special Rapporteur. However, the sponsorship by France of the text presented by Cuba should in no way be understood as tolerance for the unacceptable and irresponsible words that the Cuban delegation had expressed regarding France in exercise of its right to reply on agenda item 65.

27. **Mr. Amorós Núñez** (Cuba), recalled that delegations had been requested to make statements in explanation of vote and nothing else.

28. **The Chairman** agreed delegations should restrict their comments to explanations of vote.

29. **Mr. Peralta** (Paraguay) said that his delegation had voted in favour of the draft resolution because food security was a highly sensitive and important issue for Paraguay, a landlocked agriculture-dependent country. However, with regard to paragraph 33 of the draft resolution, the work of the Special Rapporteur must comply with the three sections of resolution 2000/10 of the Commission on Human Rights.

30. **Ms. Moreira** (Ecuador), making a general statement, said that her delegation had sponsored and voted in favour of the draft revision. However, it was unable to accept the oral revision introduced by Cuba which read "taking into account, as appropriate", since that diminished the protection of the economic, social and cultural rights of indigenous people.

Draft resolution A/C.3/62/L.33/Rev.1: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recogni[illegible] Human Rights and Fundamental Freedoms

31. **The Chairman** said that draft resolution A/C.3/62/L.33/Rev.1 contained no programme budget implications.

32. **Mr. Heines** (Norway) introduced the draft resolution and announced that Australia, Benin, Chile, Costa Rica, Cyprus, Poland and South Africa had joined in sponsoring it. Furthermore, the following oral revisions had been made to the text: the words "Recalling further Human Rights Council resolutions 5/1 and 5/2" had replaced the original text in the third preambular paragraph; the expression "in a number of countries in all regions of the world" in the fourth and sixth preambular paragraphs had been replaced by the phrase "in many countries"; the words "and recalling that all of them have rights as well as responsibilities within and towards the community" had been added at the end of the eighth preambular paragraph; and in paragraph 8, the words "in a timely manner" had been added after the words "to provide all information".

33. **Mr. Khane** (Secretary of the Committee) announced that Belgium, Ecuador, El Salvador, Iraq, Lebanon, Lithuania, Mali, Mauritania, Mauritius, Morocco, Rwanda, Thailand, Ukraine and Uruguay had also joined in sponsoring the draft resolution.

34. **Mr. Llanos** (Chile) said that his delegation had once again sponsored the draft resolution on human rights defenders because it was convinced that they played an important role in the promotion and protection of human rights worldwide. Chile fully supported the Declaration and would continue to work with human rights defenders within the United Nations and in other regional forums. His delegation welcomed the statement delivered by the Special Rapporteur with regard to the situation of human rights in Chile. As a democratic State, Chile had the institutional mechanisms in place which allowed individuals to seek redress and it categorically rejected the use of force and violence as instruments of repression.

35. **Ms. Giménez-Jiménez** (Bolivarian Republic of Venezuela) welcomed the oral revisions proposed by the delegation of Norway and withdrew her own delegation's proposed amendment to the draft resolution, as contained in document A/C.3/62/L.88.

36. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.3/62/L.33/Rev.1, as orally revised, without a vote.

37. *It was so decided.*

38. **Ms. Halabi** (Syrian Arab Republic), speaking in explanation of position, said that according to the text of the Declaration, non-governmental organizations were given not only rights, but also responsibilities, including that of defending individuals and peoples against serious human rights violations on a non-selective and impartial basis. Such non-governmental organizations should be established in accordance with national legislation. Throughout the deliberations of the working group that had drafted the text of the Declaration, her country had emphasized that although there was a right to request resources, obtaining resources could not be a right. Paragraph 20 of the Declaration reaffirmed the concepts of national sovereignty, independence and non-interference in the internal affairs of other States in order to create a climate conducive to dialogue and understanding among people and promote and protect human rights.

39. **Mr. Jooyabad** (Islamic Republic of Iran) said that his delegation had been initially reluctant to join the consensus but had done so in a spirit of compromise. Most of the sponsors had played a constructive role but unfortunately a few States with a hidden agenda were side-tracking the resolution from its objectives as set forth in the Declaration. The

resolution should be fully consistent with the principles set forth in the Charter of the United Nations, in article 29 of the Universal Declaration on Human Rights and in article 18 of the Declaration; unfortunately it was entirely protection-based and did not adequately address the crucial concept of promotion of all human rights.

40. His country disassociated itself from the use of the undefined term "human rights defenders", which narrowed down the scope of the term originally used while also ignoring the need for promotion of human rights and preferred the original term "individuals, groups and organs of society" as that was based on the essence of the Declaration. In relation to the substantial issues of the Declaration which had not been adequately reflected in the resolution, he drew attention to the fourth preambular paragraph and articles 1, 16 and 18 of the Declaration.

Draft resolution A/C.3/62/L.34/Rev.1: Protection of and assistance to internally displaced persons

41. **The Chairman** said that draft resolution A/C.3/62/L.34/Rev.1 had no programme budget implications.

42. **Ms. Merchant** (Norway), speaking on behalf of the sponsors, said that at the end of the fifth line of paragraph 9, the words "as well as related land and property issues," should be inserted after the words "reintegration and rehabilitation,". Benin, Cyprus, Georgia and Spain had joined in sponsoring the draft resolution, as orally revised.

43. **Mr. Khane** (Secretary of the Committee) said that Brazil, Burundi, Canada, Chile, Côte d'Ivoire, Ecuador, El Salvador, Liberia, Malta, Moldova, Nigeria, Poland, Republic of Korea, Sierra Leone and Thailand also wished to sponsor the draft resolution as orally revised.

44. **Mr. Lukiyantsev** (Russian Federation) said that his delegation was pleased to join the consensus on that important resolution in view of the fact that another interested delegation had agreed to withdraw its own proposal.

45. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.3/62/L.34/Rev.1, as orally revised, without a vote.

46. *It was so decided.*

47. **Ms. Halabi** (Syrian Arab Republic) said that her delegation had joined the consensus because it was important for the Committee to draw attention to the plight of internally displaced persons, who were mostly the innocent victims of armed conflict between States, natural disasters or foreign occupation. However, she expressed reservations concerning the sixth and seventh preambular paragraphs and paragraphs 10 and 11, which referred to the Guiding Principles on Internal Displacement, which did not cover persons displaced by foreign occupation. Her delegation's position of principle was that Member States should negotiate before adopting documents pertaining to international cooperation in that field.

48. **Mr. Agussi** (Bolivarian Republic of Venezuela) said that although his delegation had joined the consensus on the draft resolution, it wished to draw attention to the ninth preambular paragraph, and its incomplete reference to the provisions of the Rome Statute of the International Criminal Court concerning the definition of the deportation or forcible transfer or displacement of the civilian population as a crime against humanity or war crimes. Indeed, ordering the internal displacement of civilians was not in itself a war crime in any context but only in certain circumstances. Since the wording of that paragraph was open to misinterpretation, it should be redrafted in a more comprehensive and inclusive manner to include all cases in which displacement or transfer of persons was a war crime. His delegation hoped that the Committee, when next considering the issue, would revise the text to reflect the entire spectrum of cases covered by the Rome Statute. Member States would surely wish to support his country's proposal in the same spirit of reciprocity and flexibility in which his delegation had joined the present consensus.

49. **Mr. Woodroffe** (United Kingdom), speaking in exercise of the right of reply in reference to the remarks made by the representative of Argentina on the sovereignty of the Falkland Islands at the previous meeting, reiterated the position of the United Kingdom on that issue as expressed at earlier meetings of the Committee.

The meeting rose at 4.50 p.m.

United Nations A/C.3/62/SR.53

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Summary record of the 53rd meeting
Held at Headquarters, New York, on Tuesday, 27 November 2007, at 10 a.m.

Chairman: Mr. Wolfe ..... (Jamaica)

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(a) Advancement of women (*continued*)

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(a) Promotion and protection of the rights of children (*continued*)

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(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

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07-61448 (E)

The meeting was called to order at 10.25 a.m.

Agenda item 62: Social development (*continued*)

(a) Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (*continued*) (A/C.3/62/L.10/Rev.1)

Draft resolution A/C.3/62/L.10/Rev.1: Implementation of the Outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly

1. **The Chairman** informed the Committee that the draft resolution contained no programme budget implications.

2. **Mr. Khane** (Secretary of the Committee) said that Armenia and Belarus should have been listed as sponsors of the revised draft resolution.

3. **Mr. Hayee** (Pakistan), speaking on behalf of the Group of 77 and China, said that, following a number of informal consultations, the following revisions to the draft resolution had been proposed. The first part of paragraph 12 should be reworded to read: "*Also reaffirms* the commitment to employment strategies and macroeconomic policies that actively promote opportunities for full, freely chosen and productive employment, including for the most disadvantaged, as well as decent work for all, in order to deliver social justice combined with economic efficiency, with full respect for fundamental principles and rights ...". The rest of the paragraph should remain unchanged.

4. A new paragraph should be inserted following paragraph 14, which would read: "*Reaffirms* that violence, in its many manifestations, including domestic violence, especially against women, children, older persons and people with disabilities, is a growing threat to the security of individuals, families and communities everywhere. Total social breakdown is an all too real contemporary experience. Organized crime, illegal drugs, the illicit arms trade, trafficking in women and children, ethnic and religious conflict, civil war, terrorism, all forms of extremist violence, xenophobia, and politically motivated killing and even genocide present fundamental threats to societies and the global social order. These are compelling and urgent reasons for action by Governments individually and, as appropriate, jointly to foster social cohesion while recognizing, protecting and valuing diversity." The text of the proposed paragraph 14 bis was based on paragraph 69 of the Programme of Action of the World Summit for Social Development. Lastly, in paragraph 19, the word "also" should be inserted before the word "noting". He trusted that, as in previous years, the draft resolution would be adopted by consensus.

5. **Mr. Khane** (Secretary of the Committee) said that the delegations of Albania, Andorra, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Moldova, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland had become sponsors of the draft resolution.

6. **Mr. Hagen** (United States of America) said that his delegation would join the consensus on the draft resolution, following the successful efforts of the sponsors to make improvements on the earlier drafts. It regretted, however, that the draft resolutions sought to redefine the development language that had been carefully negotiated at the International Conference on Financing for Development. Well-meaning sponsors of an expanded vocabulary could unwittingly undermine the consensus that allowed donors to commit themselves to increasing their official development assistance (ODA). A case in point was the reference in paragraph 29 to meeting the Millennium Development Goal target of 0.7 per cent of gross national product for ODA. The United States had more than doubled its ODA since the Conference, but numerous studies had shown that ODA was dwarfed by other sources, such as private investment flows, remittances and philanthropy. According to recent World Bank statistics, $647 billion in private investment capital alone had flowed into developing countries in 2006.

7. When applied strategically and effectively in areas such as government, health and education or free market reform, ODA could leverage critical changes that were vital for society's long-term growth and attract foreign investment. By contrast, an obsession with ODA — as expressed, for example, in the constant insistence on the 0.7 per cent target — could undermine the previously agreed international consensus on generating global economic growth and development.

8. *Draft resolution A/C.3/62/L.10/Rev.1, as orally revised, was adopted.*

9. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report on the World Social Situation 2007: The Employment Imperative (A/62/168).

10. *It was so decided.*

Agenda item 63: Advancement of women (*continued*) (A/C.3/62/L.89)

Draft resolution A/C.3/62/L.89: Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

11. **The Chairman** informed the Committee that the draft resolution contained no programme budget implications.

12. **Mr. Ashiki** (Japan) said that the text before the Committee called for a number of national, regional and international actions aimed at achieving the full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly. It also called on the Economic and Social Council and the Commission on the Status of Women to take specific actions, within their respective mandates, to promote the advancement of women and gender equality, and reaffirmed that gender mainstreaming was a globally accepted strategy for promoting the empowerment of women and achieving gender equality.

13. As in the past, the draft resolution addressed such issues as the impact of HIV/AIDS on women, conflict, violence against women and girls and the need to meet the urgent goal of 50/50 gender balance in the United Nations system. For the first time, it called on the stakeholders concerned to involve women actively in environmental decision-making at all levels; to integrate gender concerns and perspectives in policies and programmes for sustainable development; and to strengthen or establish mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women. He was confident that the Committee would be able to adopt the draft resolution without a vote.

14. *Draft resolution A/C.3/62/L.89 was adopted.*

15. **Mr. Rees** (United States of America) said that his delegation was obliged to dissociate itself from the consensus concerning several paragraphs of the draft resolution.

16. With regard to paragraph 2, his delegation understood that references to the Beijing Declaration and Platform for Action and their five- and ten-year reviews did not create any rights and, in particular, did not create or recognize a right to abortion. Neither could they be interpreted to constitute support, endorsement or promotion of abortion.

17. His delegation regarded the phrase "welcomes the contributions of the Committee on the Elimination of Discrimination against Women" contained in paragraph 3 as an acknowledgement of that Committee's efforts to promote the implementation of the Beijing Declaration and Platform for Action, rather than an endorsement of specific pronouncements or recommendations.

18. With regard to the call in paragraph 5 for States parties to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto "to take into consideration the concluding comments as well as the general recommendations of the Committee [on the Elimination of Discrimination against Women]", his delegation acknowledged that Committee's important work in some areas, but had concerns about its recommendations in other areas.

19. With regard to paragraph 7, subparagraphs (j) and (k), his delegation understood that there was international consensus that the term "sexual and reproductive health" did not include abortion or constitute support, endorsement or promotion of abortion or of the use of abortifacients.

20. Lastly, his delegation did not accept the variant of the phrase "reproductive health services" contained in paragraph 7, subparagraph (j), as there was ambiguity in its meaning.

The meeting was suspended at 10.35 a.m. and resumed at 11 a.m.

21. **Ms. Gendi** (Egypt) said that her delegation had joined the consensus on the draft resolution because it was fully convinced of the importance of the subject addressed therein. It was equally convinced, however, that nothing in the draft resolution constituted support for or encouragement of abortion.

(a) Advancement of women (*continued*) (A/C.3/62/L.20/Rev.1 and L.87)

Draft resolution A/C.3/62/L.20/Rev.1: Convention on the Elimination of All Forms of Discrimination against Women

22. **The Chairman** drew attention to the statement of programme budget implications contained in A/C.3/62/L.87.

23. **Mr. Khane** (Secretary of the Committee) said that the Dominican Republic and Ecuador should have been listed as sponsors of the revised draft resolution.

24. **Ms. Wandel** (Denmark), speaking on behalf of the five Nordic countries, introduced the draft resolution and noted that Belgium, Brazil, Ghana, Malta, Moldova, Mongolia, Serbia, Sierra Leone and Ukraine had joined the sponsors. While there was broad and strong support for the core substance of the draft resolution, views differed as to the future framework and modalities for sessions of the Committee on the Elimination of Discrimination against Women. The number and location of annual sessions and the best way to process the current backlog of reports had been the subject of intense discussion. The revised text before the Committee represented a balance and, to some, a difficult compromise. It took into consideration the many, often diverging, views expressed by delegations, while providing the Committee in question with a framework that allowed it to carry out its duties and fulfil its mandate effectively.

25. Under the terms of the draft resolution, the Committee in question would meet in a total of five sessions in the biennium 2008-2009. To eliminate the backlog of country reports, three of those sessions would occur in parallel chambers. Furthermore, two of the five sessions would be held in New York to allow the Committee in question to interact with delegations to the United Nations in New York and the NGO community there. Lastly, for an interim period effective from January 2010, the Committee would hold three annual sessions.

26. **Mr. Khane** (Secretary of the Committee) said that Albania, Angola, Antigua and Barbuda, Bangladesh, Belize, Benin, Cape Verde, Côte d'Ivoire, Lebanon, Lesotho, Liberia, Mauritius, Montenegro, Morocco, the Philippines, Sri Lanka, Turkey, Uruguay and Zambia had joined the sponsors of the draft resolution.

27. **Mr. Rees** (United States of America) requested separate recorded votes on paragraphs 14 and 15 of the draft resolution.

28. **Ms. Nassau** (Australia) said that her Government was firmly committed to improving the efficiency and effectiveness of the international treaty body system and recognized the efforts of the Committee on the Elimination of Discrimination against Women to pursue budgetary and fiscal discipline and improve its working methods. However, given the Organization's current financial situation and the fact that it was increasingly asked to do more with less, it was regrettable that the programme budget implications of the proposed compromise had not been made available earlier. Her delegation supported the draft resolution on the understanding that the additional funding of the proposal to extend the meeting times of the Committee in question would be provided from within existing United Nations budgetary resources.

29. *At the request of the representative of the United States of America, a recorded vote was taken on paragraph 14 of draft resolution A/C.3/62/L.20/Rev.1.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan,

Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Brunei Darussalam, Cambodia, China, Indonesia, Japan, Liechtenstein, Malaysia, Mali, Singapore.

30. *Paragraph 14 of draft resolution A/C.3/62/L.20/Rev.1 was adopted by 158 votes to 1, with 9 abstentions.*

31. **Ms. Malin** (Liechtenstein) said that her delegation agreed that the Committee on the Elimination of Discrimination against Women must be provided with a sustainable basis for its work in the coming years, particularly in view of the possible increase in reporting in the wake of the Human Rights Council's universal periodic review. However, it did not consider the authorization of three annual sessions from 2010 onwards to be the best way of achieving that. Her Government had consistently advocated the use of innovative working methods by the treaty bodies and had commended them for their willingness to test new approaches. The consideration of country reports in parallel chambers allowed for more interaction and enhanced dialogue between Committee experts and Member States, was an effective and efficient way of dealing with a large number of reports and should, therefore, have been continued on a permanent basis. Plenary sessions could still have been used to consider initial reports, finalize concluding observations and work on general recommendations, and safeguards for adequate geographical representation in the chambers could have been established as they had been before. Her delegation was concerned that the current solution would create a new backlog in the decade to come. Parallel chambers would probably then be reintroduced as a short-term remedy, rather than because of their inherent value. Another concern was that the introduction of three annual sessions pending the entry into force of the amendment to article 20, paragraph 1, of the Convention would provide a disincentive to accept that amendment. For those reasons, her delegation had been unable to sponsor the draft resolution and had abstained in the vote on paragraph 14.

32. **The Chairman** said that a recorded vote had also been requested on paragraph 15 of the draft resolution.

33. **Ms. Gendi** (Egypt), speaking in explanation of vote before the voting, said that Egypt had been among the first to sign the Convention on the Elimination of Discrimination against Women and was a prime defender of women's equal rights and women's empowerment. It consequently sought to achieve the elimination of all forms of discrimination against women, intentional or otherwise, and would therefore be voting in favour of the draft resolution as a whole.

34. It nevertheless intended to vote against paragraph 15 of the draft resolution, objecting as it did to the decision to hold three of the five sessions of the Committee on the Elimination of All Forms of Discrimination against Women in parallel chambers. That decision was prejudicial to the work of the Committee and would diminish its effectiveness, since the discussion of periodic reports demanded objectivity and impartiality, neither of which could be guaranteed if the Committee were divided into two groups. By the same token, it would be difficult to achieve a balance between any two such groups in terms of their geographical representation, legal expertise and cultural diversity. She therefore called on those who were keen to safeguard the Committee's objectivity and effective performance to join her in voting against that same paragraph. She also called on States to deposit their instruments of acceptance of the amendment to article 20 of the Convention on the Elimination against All Forms of Discrimination against Women, as Egypt had done on 2 August 2001.

35. *At the request of the representative of the United States of America, a recorded vote was taken on paragraph 15 of draft resolution A/C.3/62/L.20/Rev.1.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia,

Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Malta, Mauritania, Mauritius, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Republic of Tanzania, Uruguay, Zambia, Zimbabwe.

Against:

Egypt, Syrian Arab Republic, United States of America.

Abstaining:

Bahrain, Brunei Darussalam, Cambodia, Gambia, Indonesia, Japan, Kuwait, Malaysia, Mali, Mexico, Nicaragua, Niger, Oman, Pakistan, Poland, Qatar, Saudi Arabia, Singapore, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Yemen.

36. *Paragraph 15 of draft resolution A/C.3/62/L.20/Rev.1 was adopted by 143 votes to 3, with 22 abstentions.*

37. **Mr. Ashiki** (Japan) said that his delegation had been in favour of holding two annual sessions in parallel chambers in 2008 and 2009. The parallel chamber system was an effective and cost-effective way of tackling the backlog of country reports and, by allowing experts to speak more often and for longer, helped make the dialogue between the State party and the Committee in question more interactive and substantive. It was regrettable, therefore, that, even though the General Assembly had not yet authorized the extension of that Committee's meetings, the Secretariat was already preparing for the first session of 2008 to be conducted in the plenary style, thereby denying his and other delegations the opportunity to consider other modalities that might have addressed their concerns.

38. The Committee on the Elimination of Discrimination against Women played an important role in advancing the status of women and in promoting and protecting women's rights. However, programme budget implications the size of those arising from the adoption of the draft resolution impaired the normal functioning of the Organization's financial system. For that reason, his delegation had abstained in the vote.

39. The cost of the activities of the Committee in question from 2010 onwards should be directly proportional to the priority that the United Nations attached to the issue, should be based on the principle of "scrap and build" and the reallocation of resources and should be considered within the Secretary-General's proposed programme budget for the biennium 2010-2011.

40. **Ms. Feller** (Mexico) said that her Government was committed to fulfilling its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and supported the work of the Committee responsible for its implementation. Mexico had reported regularly to that Committee, had established mechanisms to ensure follow-up of all its recommendations and had even been among the first countries to receive a visit under the Optional Protocol.

41. Even though the backlog of reports was clearly due to the increasing number of countries ratifying the Convention, the States parties had an obligation to explore creative and long-term measures to enable the Committee on the Elimination of Discrimination

against Women to fulfil its duties. In its resolution 60/230, the General Assembly had decided to authorize that Committee to meet in parallel working groups on an exceptional and temporary basis. Her delegation was therefore concerned that the practice was being continued, as it limited the opportunities for equitable and objective discussion among Committee members and went against the spirit in which the Committee had been established. For that reason, her delegation had been unable to sponsor the draft resolution and had abstained in the vote on paragraph 15.

42. **Mr. Woodroffe** (United Kingdom) said that his delegation supported the drive by the Committee on the Elimination of Discrimination against Women to increase the efficiency of its working sessions. It was, however, not convinced that the proposal in paragraph 15 offered the best way of eliminating the backlog of reports. In particular, the extension of the practice of meeting in parallel chambers set an unfortunate precedent, since it reduced the opportunity for all the members of the Committee to share their expertise.

43. If the Committee were based permanently in Geneva, it would be better placed to take full advantage of the expertise and mechanisms based there. It should identify more creative ways of engaging with the rest of the gender architecture of the United Nations. Continued meetings in New York should be a transitional arrangement only. For those reasons, his delegation had abstained in the vote on paragraph 15 of the draft resolution. It remained fully supportive, however, of the Committee's important work on promoting and protecting the human rights of women around the world.

44. **Ms. Halabi** (Syrian Arab Republic) said that her delegation had voted against the adoption of paragraph 15 of the draft resolution. The Committee on the Elimination of Discrimination against Women should discontinue the practice of holding its sessions in parallel chambers, which led to a lack of objectivity and transparency in the consideration of country reports.

45. **Ms. Giménez-Jiménez** (Bolivarian Republic of Venezuela) said that her delegation's support for the work of the Committee on the Elimination of Discrimination against Women had led it to vote, at the sixtieth session, in favour of the parallel chamber procedure, on the understanding that the arrangement would be temporary. It therefore noted with concern that the draft resolution sought to make the arrangement permanent. Such a move would affect the quality of the Committee's work and reduce the contribution by experts to the recommendations to States parties. Her delegation had therefore abstained in the vote on the adoption of paragraph 15 of the draft resolution.

46. **Ms. Pérez Álvarez** (Cuba) said that, since 1959, Cuba had promoted equality between men and women and the realization of all human rights and fundamental freedoms. It had also been the first country to accede to the Convention on the Elimination of All Forms of Discrimination against Women. Despite its opposition in principle to the parallel chambers procedure Cuba had voted in favour of the adoption of paragraph 15 of the draft resolution, on the understanding that the provision concerned related to an exceptional and temporary measure intended to catch up with the backlog of reports and that, from 2010, the Committee would, in accordance with the provisions of paragraph 14, start to restrict its sessions to three per year. One of the most valuable aspects of the Committee's work was the opportunity it gave all its experts to contribute, thus ensuring a fair and balanced consideration of reports.

47. **The Chairman** invited the Committee to take action on draft resolution A/C.3/62/Rev. 1 as a whole.

48. **Mr. Rees** (United States of America), speaking in explanation of vote before the voting, said that his delegation would vote against the draft resolution, for a number of reasons. First, with regard to the seventh and eighth preambular paragraphs, it was his delegation's understanding that references to the Beijing Declaration and Platform for Action, and their five- and ten-year reviews, did not create any rights and, in particular, did not create or recognize a right to abortion. Such references could not be interpreted to constitute support for or endorsement or promotion of abortion. With regard to paragraph 2, it was the sovereign right of each State to decide whether or not it should ratify a treaty. With regard to paragraph 4, his delegation, while acknowledging the importance of the work of the Committee on the Elimination of Discrimination against Women in some areas, his delegation had serious concerns about that Committee's recommendations in other areas. Concerning paragraphs 14 and 15, the increased number of meetings that would be put in place thereby had budget implications that were unacceptable to his delegation. It was regrettable that no action had been taken to mitigate the involved costs.

49. *A recorded vote was taken on draft resolution A/C.3/62/L.20/Rev.1 as a whole.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

50. *Draft resolution A/C.3/62/L.20/Rev.1 was adopted by 173 votes to 1, with no abstentions.*

51. **Ms. Ong** (Singapore) said that, although her delegation had voted in favour of the draft resolution, it wished to explain its position concerning paragraph 6, which urged States parties to "review their reservations regularly with a view to withdrawing them". As with all other international treaties, the Convention on the Elimination of All Forms of Discrimination against Women was subject to the Vienna Convention on the Law of Treaties, which drew a distinction between permissible and impermissible reservations, depending on their compatibility with the object and purpose of the treaty concerned. Article 19 of the Vienna Convention explicitly permitted reservations, prohibiting only reservations that were incompatible with the object and purpose of the treaty. The point of reservations was to enable as many States as possible to become party to international treaties by allowing them the flexibility to reflect their own particular circumstances.

52. Her delegation remained concerned by the trend towards discouraging reservations. Such a practice was counterproductive, because it could serve only to dissuade States from becoming party to international treaties. If it was felt that certain obligations could not be the subject of reservations, the international treaty or convention concerned should explicitly prohibit reservations. The views that she had expressed applied to all General Assembly resolutions that touched on the topic of reservations.

53. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Committee on the Elimination of Discrimination against Women on its thirty-seventh, thirty-eighth and thirty-ninth sessions (A/62/38) and the report of the Secretary-General on the future operations of the International Research and Training Institute for the Advancement of Women (A/62/173).

54. *It was so decided.*

Agenda item 66: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/62/L.23/Rev.1 and L.24/Rev.1)

55. **The Chairman** said that the draft resolution contained no programme budget implications.

56. **Ms. Chibesakunda** (Zambia) said that the editors had taken it upon themselves to introduce changes to the text of the draft resolution, on which delegations had spent hours of negotiations. She requested that consideration of the draft resolution should be deferred.

57. *It was so decided.*

Draft resolution A/C.3/62/L.24/Rev.1: Promotion and protection of the rights of children

58. **Mr. Khane** (Secretary of the Committee), referring to paragraph 58 of draft resolution A/C.3/62/L.24/Rev.1, which requested the Secretary-General to appoint a Special Representative on violence against children, said that the issue fell naturally within the mandate of the United Nations Children's Fund (UNICEF). The Secretary-General would therefore refer the matter to UNICEF as the entity with primary responsibility for follow-up activities relating to the United Nations study on violence against children (A/62/209). Accordingly, should the General Assembly adopt the draft resolution, there would be no financial implications under the proposed programme budget for 2008-2009.

59. **Ms. Carvalho** (Portugal), speaking on behalf of the European Union and the Group of Latin American and Caribbean States, noted that the words "contained in document A/62/228" should be inserted in paragraph 46 of the draft resolution after "the report of the Special Representative". In paragraph 58, "and independent" should be inserted before "performance". Paragraph 61 should read: "*Requests* the Special Representative of the Secretary-General on violence against children, upon her/his appointment, and the Special Representative of the Secretary-General for Children and Armed Conflict to cooperate and coordinate their activities, bearing in mind their complementarity, and in this regard ensure between them, within their respective mandates, that the situation of all children subject to or at risk of violence is addressed, including those of armed conflict, foreign occupation, genocide, crimes against humanity, war crimes, terrorism or hostage-taking, or where peacekeeping operations are deployed, in order to ensure that no child is left uncovered".

60. Her delegation had been pleased to work with other delegations in creating the historical mandate of the Special Representative of the Secretary-General on violence against children. The draft resolution was not perfect, but it reflected a good compromise and provided a sound basis for future work towards the goal of a world fit for children. The following Member States had joined the sponsors listed in the text of the revised draft resolution: Australia, Azerbaijan, Egypt, Gabon, Ghana, Kazakhstan, Lebanon, Mongolia and the United Republic of Tanzania.

61. **Mr. Khane** (Secretary of the Committee) said that Belarus, Chad, the Democratic Republic of the Congo, Ethiopia, Gambia, Iraq, Morocco, Mozambique, Namibia, Senegal, South Africa, Swaziland and Uzbekistan had also become sponsors of the draft resolution as orally revised.

62. **Ms. Carvalho** (Portugal) said that the main sponsors wished to make several minor technical corrections to the text of the draft resolution, but that, if the Committee agreed, she would submit those changes in writing to the secretariat in order to save time.

63. **Ms. Gendi** (Egypt) said that her Government had long been an active advocate of children's rights and that the elimination of all forms of violence against children was a high priority on its national agenda. Her delegation had participated extensively in the informal negotiations which had led to the revised text of the draft resolution currently before the Committee. The resolution was a landmark achievement in several respects, notably the provisions concerning the appointment of a Special Representative of the Secretary-General on violence against children and the role of both that Special Representative and the Special Representative of the Secretary-General for Children and Armed Conflict in addressing all forms of violence perpetrated against children living under foreign occupation.

64. Her delegation had hoped that the main sponsors would realize the importance of providing funding from the regular budget for the mandate of the Special Representative of the Secretary-General on violence against children in order to ensure the transparency, independence and sustainability of his/her work.

However, in the light of the overwhelming support among the sponsors for funding through voluntary contributions, and bearing in mind that the mandate of the Special Representative, including its funding, would be reviewed in three years' time, her delegation had decided to join in the consensus on the resolution and to become a sponsor thereof.

65. **The Chairman** said that a recorded vote had been requested on draft resolution A/C.3/62/L.24/Rev.1, as orally revised.

66. **Mr. Saeed** (Sudan), making a general statement on the draft resolution before the voting, said that it was his delegation's understanding that operative paragraph 53 condemned all kinds of abduction of children, including abductions carried out under the cover of humanitarian action by organizations such as the French organization L'arche de Zoé/Children Rescue, which had kidnapped children from Darfur with the intention of trafficking them. Such conduct was obviously incompatible with international humanitarian law and the principles of human rights and humanitarian action. His delegation supported the draft resolution currently before the Committee, but would like to see future resolutions on the promotion and protection of children's rights clearly address the issue of abduction and trafficking of children under the pretext of humanitarian action.

67. **Mr. Ramadan** (Lebanon) welcoming the consensus that had emerged with regard to the establishment of the mandate of the Special Representative of the Secretary-General on violence against children, emphasized that the independent performance of his/her mandate referred to in paragraph 58 as orally revised, should include independence in the management of resources. His delegation's understanding of paragraph 61 was that no children would be left uncovered, whether their situation fell under the purview of the Special Representative on violence against children or under that of the Special Representative for Children and Armed Conflict.

68. **Mr. Hagen** (United States of America), speaking in explanation of vote before the voting, said that his Government welcomed the interest of the United Nations in issues relating to children and was committed to ensuring that protection of the rights of children was fully integrated into its foreign policy. The United States had ratified the two Optional Protocols to the Convention on the Rights of the Child. However, his Government had repeatedly raised concerns about the Convention itself, in particular the fact that it conflicted with the provisions of United States domestic law in areas such as education, health and criminal justice. In addition, in some cases it created a tension between the rights of children and the authority of parents. At the same time, however, the Convention contained many positive principles and standards which the United States applied in practice. Nevertheless, his delegation could not accept the draft resolution's overemphasis on the Convention or the assertion that it "must constitute the standard in the promotion and protection of the rights of the child".

69. His delegation continued to maintain that the process for dealing with the resolutions on the rights of children within the Third Committee must change. What was a needed was a text that was shorter and targeted on specific issues of critical importance to children that were not addressed in other resolutions. His delegation would vote against the draft resolution for the foregoing reasons and because it contained problematic language, including unacceptable language from past resolutions, which his Government had repeatedly asked the sponsors to eliminate, amend or address elsewhere.

70. **Mr. Aksen** (Turkey) said that Turkey had a been a sponsor of past resolutions on the rights of children, but unfortunately could not join in sponsoring the current draft resolution. His delegation would vote in favour of the resolution, but it dissociated itself from paragraph 42.

71. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/62/L.24/Rev.1, as orally revised.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic,

Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

72. *Draft resolution A/C.3/62/L.24/Rev.1, as orally revised, was adopted by 176 to 1, with no abstentions.*

73. **Mr. Ashiki** (Japan) said that his delegation considered it important to address the issue of promotion and protection of children's rights in a comprehensive manner and had therefore voted in favour of the draft resolution. However, under Japanese law, the duty to prosecute perpetrators of crimes against children was carried out with due consideration of the characteristics of the offender, the gravity of the offence and the circumstances under which it had been committed. The Japanese authorities might opt not to prosecute if, for example, they deemed that a perpetrator could be rehabilitated. In his Government's view, that practice did not conflict in any way with subparagraph 57 (e) of the draft resolution.

74. **Mr. Hermoso** (Philippines) said that his delegation had voted in favour of the draft resolution and would have liked to become a sponsor, but the references in the resolution to the International Criminal Court had prevented it from doing so. The Philippines was a signatory to the Rome Statute of the Court, but had not yet ratified it.

75. **Ms. Halabi** (Syrian Arab Republic) said that her delegation had voted in favour of the resolution and that it appreciated, in particular, the sponsors' efforts to address her Government's concerns regarding the situation of children living under foreign occupation. Her delegation took it that paragraph 61 gave the Special Representative of the Secretary-General a clear mandate to address all forms violence against such children. Her Government reserved the right to interpret paragraphs 15, 17, 18 and 32 in accordance with Syrian national legislation.

76. **Ms. Kohli** (Switzerland) said that Switzerland was a strong supporter of the Convention on the Rights of the Child and of the work of both the Committee on the Rights of the Child and UNICEF. It had traditionally been a sponsor of the omnibus resolution on the rights of the child, despite its growing dissatisfaction with the negotiation process. For many years it had voiced its concerns regarding a lack of transparency, but there had been no improvement. Once again in the current session, the draft text had been released very late, and owing to the intense preliminary negotiations by the two lead sponsors, opportunities to contribute to it had been few. An inclusive process would have been especially desirable in the current year, when the resolution created the new mandate of the Special Representative on violence against children. Switzerland had tried to put forward alternative ideas on follow-up to the important report of the independent expert for the United Nations study on violence against children, but unfortunately the mandate had been discussed only superficially. Experience with the creation of new mandates of that type had shown that certain safeguards were needed to avoid overlap and to ensure that existing actors cooperated effectively.

77. The omnibus resolution had grown on an ad hoc basis since its inception in 1994. It was long, repetitive and not forward-looking. With the primary concern tending to be to defend previous texts, the debate on the resolution was sterile and repetitive. Consequently Switzerland had decided to withdraw its sponsorship.

78. **Ms. Laurenson** (New Zealand) said that her country was committed to the promotion and protection of the rights of the child, and had once again sponsored the draft resolution. However, it reiterated its call for a new approach to the debate on the topic in the Committee. The length and level of detail of the omnibus text were not conducive to constructive debate. Rather than repeating previously agreed chapters year after year, New Zealand favoured the introduction of a focused and progressive thematic debate and resolution. For example, the debate at the present session could have concentrated solely on violence against children, including the mandate of the Special Representative. If the Committee was to produce an effective resolution that resulted in real advances, the following year's resolution and debate should concentrate on a particular theme. Such an approach would result in a considerably shorter and more focused resolution. Also, the resolution must be open to inclusive debate at a much earlier point.

Draft resolution A/C.3/62/L.21/Rev.1: Supporting efforts to end obstetric fistula

79. **Ms. Sow** (Senegal) said that while her delegation was grateful to the Secretariat for reissuing A/C.3/62/L.21/Rev.1 for technical reasons, Senegal and other delegations remained concerned about some corrections that had not yet been made. Senegal would discuss the matter with the Secretariat.

80. **Ms. Borjas-Chávez** (El Salvador) said that her country wished to join the sponsors of draft resolution A/C.3/62/L.21/Rev.1.

Agenda item 68: Elimination of racism and racial discrimination (*continued*) (A/C.3/62/L.65 and L.90)

Draft resolution A/C.3/62/L.65: From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of follow-up to the Durban Declaration and Programme of Action

81. **The Chairman** drew the attention of the Committee to the statement of programme budget implications of the draft resolution, contained in document A/C.3/62/L.90.

82. **Mr. Hayee** (Pakistan) requested that action on the draft resolution should be deferred until a later meeting.

83. *It was so decided.*

Agenda item 70: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/62/L.38, L.40, L.44, L.47/Rev.1 and L.91)

Draft resolution A/C.3/62/L.38: Status of internally displaced persons and refugees from Abkhazia, Georgia

84. **Ms. Tchitanava** (Georgia) said that her delegation wished to withdraw draft resolution A/C.3/62/L.38.

Draft resolution A/C.3/62/L.40: Protection of migrants

85. **Mr. Khane** (Secretary of the Committee) noted that at its 58th meeting, the Committee had requested the Secretary-General to arrange two sessions for the Committee on Migrant Workers in 2008. In accordance with rule 19 of the Committee's provisional rules of procedure, the Secretary-General had prepared and circulated to the Committee members an oral statement on the estimated cost, which was attached as annex III of the Committee's report (A/62/48).

86. The Committee had been informed that the total estimated provision for travel and daily subsistence allowance for the independent experts of the Committee proposed in the 2008-2009 proposed programme budget amounted to $183,200 under section 23, Human rights. The Committee had also been informed that the total costs of travel and daily subsistence allowance for the independent experts for the activities envisaged under the terms of the decision would amount to $180,000 for 2008 under section 23, Human rights, and that since the pattern of meetings proposed for 2008 would remain unchanged, there would not be any additional requirements for conference services to be provided to the Committee. If, therefore, the draft resolution were to be adopted by the General Assembly, the estimated resource requirement of $180,000 for 2008 could be accommodated within the provision included under

section 23, Human rights, of the proposed programme budget for the biennium 2008-2009. Based on experience in the servicing of the sessions of the Committee in 2008, any implications relating to the resource requirements, under section 23, Human rights, of the programme budget for the biennium 2008-2009 arising from decisions that would be taken by the Committee on the patterns of its session for 2009 would be transmitted to the Committee in 2008 in accordance with established procedures.

87. **Mr. Ochoa** (Mexico) said that consultations on the draft resolution were continuing, and requested that action on it should be deferred until a later meeting.

88. *It was so decided.*

Draft resolution A/C.3/62/L.44: Subregional Centre for Human Rights and Democracy in Central America

89. **The Chairman** drew the attention of the Committee to the statement of programme budget implications of the draft resolution contained in document A/C.3/62/L.91.

90. **Ms. Mballa Eyenga** (Cameroon) said that the delegations concerned were still negotiating the wording of the draft resolution, and requested that action on it should be deferred until a later meeting.

91. *It was so decided.*

Draft resolution A/C.3/62/L.47/Rev.1: Protection of human rights and fundamental freedoms while countering terrorism

92. **The Chairman** said that the draft resolution had no programme budget implications.

93. **Ms. Feller** (Mexico) introduced the draft resolution, noting that Brazil, Denmark, Moldova and the United States of America had joined the sponsors. The draft resolution was the result of an open process of negotiations, in which allowance had been made for the opinions of all Member States, and through which valuable proposals had been included from several different delegations. The sponsors of the initiative were in agreement that while terrorism was a grave problem for the security of States, the essential need to protect their populations from acts committed against their security, including terrorist acts, did not justify the abolition or permanent suspension of the human rights of the persons who were under their jurisdiction.

94. Convinced that respect for and promotion of human rights must be a fundamental element of the legislative, administrative and other measures adopted to combat terrorism, the sponsors had identified in the text those practices that were of particular concern, in order that tangible measures could be taken to eliminate them. The terms of the resolution had been strengthened in order to make it compatible with the obligations of States under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention relating to the Status of Refugees, as well as other relevant human rights instruments.

95. The sponsors reiterated their appreciation for the work of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, together with that of the High Commissioner for Human Rights, to promote the objectives of the draft resolution.

96. **Mr. Khane** (Secretary of the Committee) said that Belarus, the Comoros, Croatia, Georgia, Iceland, Lebanon, Mali, Malta, Montenegro, Nicaragua, Nigeria, the Philippines, Serbia, Slovakia, the former Yugoslav Republic of Macedonia and the United Republic of Tanzania had joined the sponsors.

97. *Draft resolution A/C.3/62/L.47/Rev.1 was adopted.*

The meeting rose at 1 p.m.

United Nations A/C.3/62/SR.54

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Summary record of the 54th meeting
Held at Headquarters, New York, on Wednesday, 28 November 2007, at 3 p.m.

Chairman: Mr. Wolfe ..... (Jamaica)

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07-61454 (E)

The meeting was called to order at 3.35 p.m.

Agenda item 66: Promotion and protection of the rights of children (*continued*) (A/62/297)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/62/L.23/Rev.1 and A/C.3/62/L.24/Rev.1)

Draft resolution A/C.3/62/L.23/Rev.1: The girl child

1. **Ms. Chisanga-Kondolo** (Zambia), introducing the draft resolution on behalf of the Southern African Development Community, made a number of oral revisions to the text. In the first line of preambular paragraph 4, the words "the fact that" should be deleted; in the second line the word "is" should be replaced by "being". Current preambular paragraph 9 should be deleted and replaced by "Welcoming the study on violence against children by the Independent Expert of the United Nations Secretary-General and the study of the Secretary-General on violence against women, and takes note of the recommendations contained therein,". In the third line of preambular paragraph 10 the words "recognizing also" should be replaced by "recognizes that". In the second line of preambular paragraph 11, the word "encountering" should be replaced by "encounter" and the word "reaffirming" should be replaced by "reaffirms". In the first line of preambular paragraph 12 the word "essential" should be replaced by "key" and, in line 3, the words "and further recognizing" should be inserted following "human rights". In line 3 of preambular paragraph 13 the words "and in girls" should be inserted following "health care" and, in line 6, the words "in their" should be deleted. In line 2 of preambular paragraph 20 the word "on" should be replaced by "to take place from".

2. In line 2 of paragraph 12 the words "in the areas of" should be deleted. At the end of operative paragraph 14 the words "of the Secretary-General in his in-depth study on violence against women and of the independent expert for the United Nations study on violence against children" should be deleted and replaced by "and the study on violence against women and the study on violence against children". In lines 4 to 5 of paragraph 17, the words "and children" should be deleted. In line 4 of paragraph 18, the word "the" should be deleted before "views" and, in line 5, the word "have" should be deleted. In the third line of paragraph 19, the word "further" should be inserted before "urges"; in the eighth line the word "and" should be inserted following "assistance"; and, in the last line, the word "and" following "demobilization" should be deleted. In line 1 of paragraph 21, the word "Also" should be deleted and the word "further" inserted following "deplores"; in line 7 the word "those" should be inserted before "delays of". In the third line of paragraph 26, the words "carried out on a" should be deleted and, in line 6, the word "and" should be replaced by "including". In the fourth line of paragraph 29, the words "and for" should be inserted following "female genital mutilation" and the words "to develop and provide" should be replaced by "developing and providing". In line 3 of paragraph 30 the word "allocating" should be replaced by "allocation" and the words "in order" should be inserted following "resources". Lastly, in the second line of paragraph 32, the word "including" should be inserted following "present resolution".

3. She said that whereas previous resolutions had adopted a mainly rights-based approach to the issue of the well-being of the girl child, the current text not only underscored the importance of the elimination of discrimination and violence against the girl child but also incorporated development-related issues in recognition of the link between such issues and human rights. The text stressed the importance of international cooperation in the areas of education, health and poverty reduction in order to promote children's rights and contribute to the realization of international development goals, including the Millennium Development Goals.

4. The delegations of Algeria, Armenia, Azerbaijan, Croatia, Egypt, Japan, Moldova, Mongolia, New Zealand, the Philippines, Poland, Serbia, Suriname, the former Yugoslav Republic of Macedonia and Uganda had become sponsors of the draft resolution. She hoped that the draft resolution would be adopted by consensus.

5. **The Chairman** noted that the delegations of Australia, Bangladesh, Belarus, Belize, Bhutan, Bosnia and Herzegovina, Burkina Faso, China, Cyprus, Eritrea, Ethiopia, Kazakhstan, Kyrgyzstan, Iceland, Iraq, Israel, Jamaica, Lebanon, Liberia, Liechtenstein, Malta, Montenegro, Tunisia, Turkey and Ukraine had also become sponsors of the draft resolution.

6. *Draft resolution A/C.3/62/L.23/Rev.1, as orally revised, was adopted.*

7. **Mr. Rees** (United States of America) said that although his delegation had joined the consensus on the draft resolution, with regard to the sixth preambular paragraph, his delegation understood that references to the Beijing Declaration and Platform for Action and their five and ten-year reviews did not create any rights and in particular did not create or recognize a right to abortion, nor could they be interpreted as constituting support for or endorsement or promotion of abortion. With regard to the twelfth preambular paragraph and paragraphs 7 and 18, his delegation understood that there was an international consensus that the term "sexual and reproductive health" did not include abortion or constitute support for or endorsement or promotion of abortion or the use of abortifacients.

8. His delegation could accept the wording of paragraph 1 but would have preferred that it should refer to "human rights law" rather than to "human rights instruments" because the latter term was not restricted to legally binding documents. Lastly, with regard to paragraph 6, he noted that the characterization of the right to education was unfortunately not consistent with the articulation of that right in the Universal Declaration of Human Rights and international human rights law.

9. **Mr. Emadi** (Islamic Republic of Iran) said that while his delegation had joined the consensus on the draft resolution, the text raised many issues that were open to interpretation. He underscored that his delegation did not consider itself bound by the provisions of instruments to which it was not a party and reaffirmed the sovereign right of Member States to choose which international instruments they wished to accede to.

Draft resolution A/C.3/62/L.24/Rev.1: Rights of the child

10. **Ms. Carvalho** (Portugal), speaking on behalf of the European Union, the Group of Latin American and Caribbean States (GRULAC) and the sponsors of the draft resolution, expressed surprise at the oral statement in connection with the draft resolution which had been read out by the Secretary of the Committee on behalf of the Secretary-General prior to the adoption of draft resolution A/C.3/62/L.24/Rev.1. The text of paragraph 58, as agreed by all Member States, was clear in establishing a mandate for a new special representative of the Secretary-General on violence against children, who should be supported by and should cooperate with the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the World Health Organization (WHO) and the International Labour Organization (ILO).

11. She did not understand why the Secretary-General had seen fit to make his own interpretation of the paragraph. The European Union fully supported the work of UNICEF but believed that Member States had not, in paragraph 54, mandated UNICEF to be the entity with primary responsibility for follow-up activities relating to the United Nations study on violence against children. The European Union understood that that process involved not only UNICEF but also WHO, OHCHR and ILO, who should support and coordinate with the special representative. It further understood that henceforth the special representative of the Secretary-General on violence against children would have the primary responsibility for the follow-up activities relating to the United Nations study on violence against children.

12. **The Chairman** said he took it that the Committee wished to take note of the report of the Secretary-General on the girl child contained in document A/62/297.

13. *It was so decided.*

(b) Follow-up to the outcome of the special session on children (*continued*) (A/62/259)

14. **The Chairman** said he took it that the Committee wished to take note of the report of the Secretary-General on follow-up to the special session of the General Assembly on children contained in document A/62/259.

15. *It was so decided.*

16. **The Chairman** said the Committee had thus concluded its consideration of agenda item 66.

Agenda item 70: Promotion and protection of human rights (*continued*) (A/62/36)

17. **The Chairman** suggested that the Committee should take note of the report of the United Nations High Commissioner for Human Rights (A/62/36).

18. *It was so decided.*

(a) Implementation of human rights instruments (*continued*) (A/62.180, 189, 224, 273 and 299)

19. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/62/180), the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/62/189), the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/62/273), the report of the Secretary-General on the protection of migrants (A/62/299) and the note by the Secretary-General submitting the report of the chairpersons of the human rights treaty bodies on their nineteenth meeting (A/62/224).

20. *It was so decided.*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/62/183, 207, 212, 214, 218, 265, 287 and A/62/304; A/C.3/62/L.40/Rev.1, L.44, L.49 and L.91)

Draft resolution A/C.3/62/L.40/Rev.1: Protection of migrants

21. **Mr. Khane** (Secretary of the Committee), referring to his oral statement in connection with draft resolution A/C.3/62/L.40, noted that paragraph 16 of that draft resolution requested the Secretary-General to provide the necessary resources for the Committee on Migrant Workers to meet for two weeks in spring and for one week in autumn. Paragraph 18 of the revised text requested the Secretary-General to provide the necessary resources for that Committee to meet for two separate sessions in 2008, the first session to be of two consecutive weeks' duration and the second session to be of one week's duration. Although the language in the two texts was slightly different, there was no change in the resources required. His previous statement therefore remained valid, and the revised text likewise contained no additional programme budget implications.

22. **Mr. Heller** (Mexico) introduced the draft resolution, which underscored the obligation of Member States to protect the rights of migrant workers and to ensure that legislation relating to the fight against terrorism or international organized crime, including human trafficking, did not have a negative effect on the rights of migrant workers. The text also condemned all forms of racism, discrimination, xenophobia or intolerance against migrant workers. He said that the delegations of Bangladesh, Burkina Faso, the Congo, the Democratic Republic of the Congo, Eritrea, Ethiopia, Indonesia, Mali and the Sudan had become sponsors and called on the Committee to adopt the draft resolution by consensus.

23. **The Chairman** announced that the delegations of Belarus, Comoros, Gambia, Ghana, Lebanon, Malawi, Namibia, Niger, St. Vincent and the Grenadines, Tajikistan and Turkey had become sponsors of the draft resolution.

24. *Draft resolution A/C.3/62/L.40/Rev.1 was adopted.*

25. **Mr. Rees** (United States of America) said that his delegation had joined the consensus on the draft resolution but regretted that during negotiations a number of proposed revisions had not been reflected in the texts distributed to delegations for consideration. In addition, as late as the previous evening, revisions had been introduced without adequate opportunity for discussion or negotiation. Accordingly, he wished to make it clear that his delegation understood the eighth preambular paragraph to be recalling the obligations of States to provide consular notification pursuant to article 36 of the Vienna Convention on Consular Relations. Turning to paragraph 10, he said that his delegation noted that repatriation mechanisms must be consistent not only with international obligations but also with domestic legislation. Lastly, with regard to paragraph 19, which had been added after the conclusion of negotiations, his delegation was confident that the Secretary-General would give strong consideration only to those parts of the report of the Special Rapporteur of the Human Rights Council on the human rights of migrants which addressed the human rights of migrants and not other policy issues.

26. He regretted the omission of a proposed paragraph reaffirming the sovereign right of States to enforce national migration legislation and control migration to their territory in a manner consistent with their obligations under international law as well as the obligation of all States to respect the rights of migrants to return to their country of citizenship and of all States to accept the return of their nationals. Such provisions

were not controversial; States had the sovereign right to determine who could enter their territory and under what conditions and likewise had the important responsibility of protecting the human rights of migrants in their territory and of accepting the return of their nationals.

27. His delegation placed great store in legal, orderly and humane migration and believed that effective management of migration would allow States as well as individual migrants to reap the benefits of migration and reduce its challenges. All Member States of the Organization should work to promote sound migration policies, including policies that protected the human rights of migrants. An important element in the protection of the rights of migrants was reduction of their vulnerability when travelling to or residing in destination countries in an irregular manner. States therefore had an obligation to work to reduce illegal migration and to accept the return of their nationals found to be residing illegally in another country.

28. As a nation of immigrants, the United States welcomed legal immigrants and properly documented temporary visitors, including workers and students, and was committed to protecting the human rights of migrants within its borders. More than 1 million American citizens currently lived outside the United States and were urged to observe all local laws. Citizens of other countries who came to the United States should do the same, beginning with United States immigration laws.

Draft resolution A/C.3/62/L.44: Subregional Centre for Human Rights and Democracy in Central Africa

29. **The Chairman** drew the Committee's attention to the statement on the programme budget implications of the draft resolution as contained in document A/C.3/62/L.91.

30. **Ms. Nduku** (Democratic Republic of the Congo), speaking on behalf of the Economic Community of Central African States (ECCAS), said that the Subregional Centre for Human Rights and Democracy in Central Africa played a key role in promoting human rights and democracy in the region by providing training on those issues and supporting related national institutions. It strengthened cooperation with international efforts and instruments in that regard and worked to prevent conflict and promote peace, stability and sustainable development. She noted that the delegations of Angola, Belgium, Botswana, Cape Verde, Djibouti, Egypt, Equatorial Guinea, France, India, Portugal and Tanzania had become sponsors of the draft resolution, which she hoped would be adopted by consensus.

31. **The Chairman** said that the delegations of Austria, Bangladesh, Comoros, Costa Rica, El Salvador, Guinea, Lebanon, Lesotho, Mauritania, the Niger, Nigeria, Spain and Sri Lanka had also become sponsors of the draft resolution.

32. **Mr. Rees** (United States of America), speaking in explanation of vote before the voting, said that his delegation supported the work of the Subregional Centre for Human Rights and Democracy in Central Africa. However, it drew attention to the need to establish funding priorities because the United Nations budget was finite. His delegation had joined the consensus on the understanding that the additional expenditures required under sections 23 and 35 of the proposed programme budget for the biennium 2008-2009 would be provided within the existing resources of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

33. *Draft resolution A/C.3/62/L.44, as orally revised, was adopted.*

34. **Mr. Amorós Núñez** (Cuba) said that his delegation had supported the resolution because of the importance of providing the Centre with additional resources. However, it was of the view that the provisions of the resolution applied exclusively to those countries involved in the activities undertaken by the Centre.

35. **Mr. Ashiki** (Japan) said that his delegation welcomed the adoption of the resolution and supported the work of the Centre. However, it was regrettable that there had been programme-budget implications because General Assembly resolution 61/158 had not been fully reflected in the proposed programme budget for 2008-2009. The programme-budget implications should be discussed in the Fifth Committee, taking into account the view expressed by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) that the budget of the Office of the United Nations High Commissioner for Human Rights did not allow for the full implementation of General Assembly resolution 61/158. His delegation requested that the Secretary-General and the United Nations High Commissioner for Human Rights should consider the

priorities of activities, including those of the Centre, when preparing the programme budget for 2010-2011 and should allocate sufficient resources to implement them.

36. **Mr. Chungong Ayafor** (Cameroon) said that the importance of the Centre's work in promoting and protecting human rights could not be overemphasized. The adoption of the resolution by consensus reflected approval of the Centre's new three-year strategy and would contribute to ensuring full implementation of General Assembly resolution 61/158. The resolution also acknowledged the work of the leaders of the subregion in promoting a culture of democracy and respect for human rights.

Draft resolution A/C.3/62/L.49: The right to development

37. **Mr. Khane** (Secretary of the Committee) said that, should the draft resolution be adopted by the General Assembly, additional requirements of $47,000 would be required to implement the terms of paragraphs 1 and 39 with respect to travel costs for two experts and one staff member to undertake two technical missions of five days each ($36,600) and the travel of the Chairperson of the Working Group to present a verbal update to the Assembly ($10,400). It was proposed that the estimated additional resources should be met within the resources proposed under section 23 on human rights for the biennium 2008-2009.

38. With regard to paragraph 3, the Secretary-General's report (A/61/530/Add.3) stated that actions under Human Rights Council resolution 4/4 would give rise to additional requirements of $74,300 in respect of the two additional working days of the high-level task force sessions each year, including $63,300 under section 2, $8,200 under section 23 and $2,800 under section 28E of the proposed programme budget for the biennium 2008-2009. In paragraph 14 of that report, the General Assembly was requested to note that the additional requirements of $74,300 would be subject to the provisions of General Assembly resolutions 41/213 and 42/211. In resolution 61/273, the Assembly endorsed the conclusions and recommendations contained in the report of ACABQ (A/61/917) wherein the Advisory Committee, in paragraph 8, recommended that the Assembly should take note of the fact that the additional requirements would be considered when the Assembly took up the proposed 2008-2009 programme budget and the related contingency fund.

39. A review of the absorptive capacity of sections 2, 23 and 28E would be undertaken in respect of the additional requirements of $74,300 and would be reported in the consolidated statement of programme-budget implications and revised estimates which would be submitted for the approval of the General Assembly under the guidelines for the contingency fund contained in the annex to General Assembly resolution 42/211. With regard to paragraphs 2 and 6, provisions had been made in the proposed programme budget for the biennium 2008-2009 for their implementation.

40. **Mr. Amorós Núñez** (Cuba) introducing draft resolution A/C.3/62/L.49, said that it was important to make progress towards considering the right to development to represent a universal and fundamental human right in accordance with the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993. In addition, it was necessary to give consideration to the establishment of an international legally binding instrument on the right to development. The Movement regretted that it had not been possible to reflect the concerns of all delegations in the draft resolution.

41. Three revisions had been made to the original text: in the seventh preambular paragraph, the word "reduction" had been replaced by "eradication". The phrase "to implement the agreement" had been added to the end of paragraph 4. Paragraph 32 had been replaced by the following sentence: "*Emphasizes* its commitment to indigenous peoples in the process of realization of the right to development, and also stresses the commitment to ensure their rights in areas of education, employment, vocational training and retraining, housing, sanitation, health and social security recognized in international human rights obligations and highlighted in the United Nations Declaration on the Rights of Indigenous Peoples as adopted by the General Assembly in its resolution 61/295."

42. **The Chairman** announced that Grenada had become a sponsor of the draft resolution.

43. **Mr. Rees** (United States of America), speaking in explanation of vote before the voting, said that his delegation opposed the resolution and had made its position clear. It understood the term "right to development" to mean that each individual should enjoy the right to develop his or her intellectual or other capabilities to the maximum extent possible

through the exercise of the full range of civil and political rights. As in previous years, his delegation objected to any discussion of a possible legally binding instrument on the right to development. It did not believe that the draft resolution would contribute to the United States' long-standing commitment to international development and to helping nations achieve sustainable economic growth. It therefore urged delegations to vote against the draft resolution.

44. **Ms. Carvalho** (Portugal), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Georgia, Liechtenstein and Norway, said that the European Union would continue to play an active role in the implementation of the right to development through the establishment of voluntary partnerships, support of programmes and engagement in dialogue at the national and international levels. The European Union stressed that it was the primary responsibility of States to create conditions for the realization of the right to development, but it also acknowledged that national development efforts needed to be supported by an enabling international economic environment, as stated in the Monterrey Consensus. In its understanding human rights instruments addressed the obligations of a State to its citizens and not responsibilities or commitments between States.

45. The right to development had been extensively discussed at the Human Rights Council session in March 2007. The European Union had joined the consensus on draft resolution L.49 on the understanding that the work of the high-level task force and the Working Group on the Right to Development did not necessarily imply a process leading to an international standard of a binding nature. It regretted that its concerns had not been fully reflected in the draft resolution, which did not reflect Human Rights Council resolution 4/4. The European Union believed that the fulfilment of the right to development must evolve on a consensual basis, avoiding politicization, and must be based on the promotion of and respect for civil, political, economic, social and cultural rights. Even though it could not support the draft resolution, it reiterated its willingness to continue collaborating with the high-level task force and the Working Group on the Right to Development.

46. At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/62/L.49.

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey,

Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Vanuatu.

47. *Draft resolution A/C.3/62/L.49 was adopted by 121 to 52, with 1 abstention.*

48. **Mr. Suárez** (Colombia) said that his delegation had voted in favour of the resolution because it attached great importance to the right to development. His delegation understood that the reference to the United Nations Declaration on the Rights of Indigenous Peoples in paragraph 32 applied exclusively to rights in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security mentioned in that paragraph.

49. **Mr. Ashiki** (Japan) said that his delegation remained firmly committed to the right to development and understood the right to development to represent the right of each individual to pursue the development of his or her potential. It should not be considered the right of one State in relation to another State; it reflected the responsibility of each State in relation to its citizens. His delegation had voted against the resolution because it believed that it was inappropriate and counter-productive to establish a legally binding obligation between States on the right to development.

50. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on the right to development (A/62/183), the note by the Secretary-General transmitting the report of the independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights (A/62/212), the note by the Secretary-General transmitting the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/62/214), the note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of migrants (A/62/218), the note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions (A/62/265), the report of the Secretary-General on national institutions for the promotion and protection of human rights (A/62/287), the report of the Secretary-General on the Khmer Rouge trials (A/62/304) and the note by the Secretary-General transmitting the report of the Special Rapporteur on the independence of judges and lawyers (A/62/207).

51. *It was so decided.*

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/62/213, 275, 313 and 354)

52. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the note by the Secretary-General transmitting the interim report of the independent expert on the situation of human rights in Burundi (A/62/213), the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/62/275), the note by the Secretary-General transmitting the report of the independent expert on the situation of human rights in the Democratic Republic of the Congo (A/62/313) and the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Sudan (A/62/354).

53. *It was so decided.*

(e) Convention on the Rights of Persons with Disabilities (*continued*) (A/62/230)

54. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on the status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (A/62/230).

55. *It was so decided.*

56. **The Chairman** said the Committee had thus concluded its consideration of agenda item 70.

The meeting was suspended at 4.55 p.m. and resumed at 5.10 p.m.

Agenda item 68: Elimination of racism and racial discrimination (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

57. **The Chairman** said that he took it that the Committee, in accordance with General Assembly decision 55/488, wished to take note of the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination,

xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/62/480).

58. *It was so decided.*

59. **Mr. Khane** (Secretary of the Committee) said that the Russian Federation had joined the sponsors of the draft resolution.

60. **Mr. Hayee** (Pakistan), speaking on behalf of the Group of 77 and China, said that, following several open informal consultations, the text of draft resolution A/C.3/62/L.65/Rev. 1 had been substantially changed as compared with the original A/C.3/62/L.65. He read out oral revisions to paragraphs 25, 35, 41 and 50 and 51, and indicated that paragraph 52 had been deleted and that paragraph 53 had been replaced by the wording "*Requests* the Secretary-General to allocate adequate funds from the regular budget of the United Nations, not covered in decision PC.1/12 of the Preparatory Committee, to facilitate the participation of all the relevant special procedures and mechanisms of the Human Rights Council in the meetings of the Preparatory Committee and the regional preparatory conferences". He hoped that the revisions would enable the draft resolution to garner maximum support. He noted that the General Assembly, in resolution 61/149, had decided to convene the Durban Review Conference within the framework of the General Assembly, and it was the understanding of the Group of 77 and China that, in the light of that decision, Member States had a responsibility to facilitate the holding of the Durban Review Conference. The Committee's decision on the draft resolution would reveal whether the international community had bridged the gap between rhetoric and reality in the elimination of racism and all forms of discrimination.

61. **Mr. Khane** (Secretary of the Committee) said that the programme budget implications contained in document A/C.3/62/L.90 applied notwithstanding the oral revisions read out by the representative of Pakistan. In addition, the Secretary-General wished to place on record the following oral statement in connection with draft resolution A/C.3/62/L.65/Rev. 1, in accordance with rule 153 of the rules of procedure of the General Assembly:

"Under the terms of operative paragraphs 38, 46, 50 as revised, 52, and 53 as revised of draft resolution A/C.3/62/L.65/Rev.1, the General Assembly would:

(i) request the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the Group of Independent Eminent Experts on the implementation of the Durban Declaration and Programme of Action;

(ii) request the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-third session;

(iii) welcome the report of the Preparatory Committee for the Durban Review Conference on its first organizational session and underline that the Preparatory Committee shall at its first substantive session, in accordance with its decision PC.1/14, discuss, inter alia, the organization of the work of the Durban Review Conference and other matters including the allocation of funding from the regular budget of the United Nations for the convening of the Durban Review Conference in 2009;

(iv) request the Secretary-General to allocate adequate funds from the regular budget of the United Nations not covered by or in decision PC.1/12 of the Preparatory Committee to facilitate the participation of all the relevant special procedures of the Human Rights Council in the meetings of the Preparatory Committee and the regional preparatory conferences.

With regard to operative paragraph 38 of draft resolution A/C.3/62/L.65/Rev.1, provisions have been made in the 2008-2009 proposed programme budget to support the bodies mentioned therein.

With regard to operative paragraphs 46, 50, 52, and 53, as revised, of draft resolution A/C.3/62/L.65/Rev.1, the programme budget implications of those paragraphs are similar to those contained in the statement of programme budget implications contained in A/C.3/62/L.90 before the Committee.

The Secretariat does not have sufficient time to submit a formal statement of programme implications to the Committee. As indicated in the statement of programme budget implications contained in A/C.3/62/L.90, it is expected that in the course of the sixty-second session of the General Assembly the Secretary-General will carry out consultations on the specifics of the preparations for the Durban Review Conference and regional preparatory meetings which are still under consideration. Therefore it is proposed that the full programme budget implications of draft resolutions A/C.3/62/L.65/Rev.1, as further orally revised, be addressed at the appropriate time when such consultations are completed.

The Secretariat reiterates that should the draft resolution be adopted by the General Assembly, it is estimated at this time that additional resources would arise with regard to conference services to be provided to the intersessional working group of the Preparatory Committee for the Durban Review Conference; the regional preparatory meetings; the holding of the first substantive session of the Preparatory Committee in April-May 2008, in line with decision PC.1/15 of the Preparatory Committee, as it represents a deviation from the terms of paragraph 2 of the Human Rights Council resolution 3/2, which decided that the Preparatory Committee would hold two substantive sessions of 10 working days each during 2007 and 2008 in Geneva.

The Secretariat also considers that other additional resources would arise particularly with regard to operative paragraphs 52 and 53 of the draft resolution, for the following: (i) additional support staff to service the Working Group; and (ii) travel and DSA of interpreters, the Secretariat support staff, the representatives from the least developed countries and representatives of NGOs.

As indicated in A/C.3/62/L.90, in accordance with established practice, the Secretary-General will carry out a full review of the implications of draft resolution A/C.3/62/L.65/Rev.1 and submit a detailed statement of programme budget implications to the General Assembly. The Secretary-General will recommend to the General Assembly at that time whether additional appropriations will be sought or the additional requirements can be met within the provisions proposed for the biennium 2008-2009.

The attention of the Committee is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions."

62. **Mr. Hayee** (Pakistan) said that, based on the oral revisions he had read out, provisions of the oral statement of programme budget implications would have to be revised because paragraph 52 had been deleted from draft resolution A/C.3/62/L.65.

63. **Mr. Khane** (Secretary of the Committee) took note of the comment of the representative of Pakistan. He said that Saudi Arabia and Uzbekistan had been added to the sponsors of draft resolution A/C.3/62/L.65/Rev.1 as further orally revised.

64. **Mrs. Shahar** (Israel) said that her delegation was deeply alarmed by the increase in racially motivated violence throughout the world. Israel supported international efforts to eliminate all forms of racism, racial discrimination, anti-Semitism, xenophobia, and related intolerance. Those efforts, however, had sometimes been derailed by the political interests of certain Member States. During the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, some NGOs and Member State participants had levied slanderous, racist and hateful accusations against one State in a forum originally intended to combat racism and promote tolerance. Their harmful rhetoric and activities had not only contradicted the purpose of the Conference but had cast doubt on the potential value and merit of international conferences in eliminating hatred and

promoting a culture of tolerance and mutual understanding. In deviating from its original, stated purpose of shaping positive and innovative solutions, the conference had served to single out and demonize one single country. Her delegation, together with that of the United States, had withdrawn from the conference and continued to vote against any resolution that heralded Durban as an admirable display of international commitment to combating hatred and intolerance. Events during and after Durban and subsequent follow-up resolutions ignoring what had happened there had proved that Durban had been nothing but a sad display of racism and intolerance.

65. Draft resolution A/C.3/62/L.65 did not reflect any recognition that the Durban conference had failed to promote tolerance and eliminate racism. Consequently, her delegation was obliged to call for a vote on the draft resolution and would vote against it. Hopefully, in due time, the blunders of Durban would be rectified and international support for the elimination of racism and intolerance would be genuine, wholehearted and without exception. Israel would then be among the first to welcome any exchange of views, including criticism, and to join in the debate on a fair and equal basis.

66. **Mr. Rees** (United States of America) said that the United States, which had long been a party to the International Convention on the Elimination of All Forms of Racial Discrimination, opposed racism, racial discrimination, xenophobia and related intolerance, as demonstrated by its record of domestic legislation and policies vigorously combating such activities and attitudes. However, draft resolution A/C.3/62/L.65/Rev.1 endorsed the deeply flawed, divisive outcomes of the Durban Conference of 2001. Durban follow-up activities were duplicative of work done by the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the ILO Conventions addressing workers' rights. The Human Rights Council, rather than acting as a preparatory committee for the Durban Review Conference, should focus on the human rights situation in the world, especially emerging ones. The Secretary-General should not be asked to fund regional preparatory meetings that duplicated work already under way, and the Office of the High Commissioner for Human Rights should provide more substantial programming and cooperative assistance to combat racism rather than invest its valuable resources in conferences.

67. Each country should have a legal framework to protect individuals from discrimination and to preserve their other individual rights and fundamental freedoms, including freedom of expression, association and religion. States should focus on implementation of existing commitments rather than on the follow-up to flawed instruments or the creation of new instruments. The key elements in combating contemporary forms of racism were universal ratification and effective implementation of the existing Convention on the Elimination of All Forms of Racial Discrimination. Consequently, the United States would vote against resolution A/C.3/62/L.65/Rev.1.

68. **Ms. Carvalho** (Portugal), speaking in explanation of vote before the voting, on behalf of the European Union (EU), the candidate countries Croatia and the Former Yugoslav Republic of Macedonia, the stabilization and association process countries Albania, Bosnia and Herzegovina and Montenegro, and, in addition, the Republic of Moldova and Georgia, said that the European Union reaffirmed its full commitment to combating racism, racial discrimination, xenophobia and related intolerance. It had played an active role at the World Conference against Racism at Durban and had agreed on the final document of the Durban Conference as a global agenda against racism, and its Member States had since focused their efforts on the full implementation of the Durban Declaration and Programme of Action. The European Union had supported the convening in 2009 of a review conference on the understanding that the review would take place at a high-level meeting in the framework of the General Assembly and would focus on implementation of the Durban outcome without reopening any part thereof, and that its preparation by the Human Rights Council would not engender new mechanisms. The main value of the Durban Declaration and Programme of Action being their universality, their follow-up should preserve the broad consensus achieved at Durban.

69. However, two draft resolutions had been presented at the Human Rights Council contradicting the letter and spirit of that decision, and the European Union had been forced to vote against both. Still, after prolonged discussions, the Preparatory Committee had adopted 15 resolutions without a vote, including those on the objectives of the Review Conference.

Subsequently, three drafts had been submitted to the Human Rights Council inconsistent with the compromises reached by the Preparatory Committee, and the European Union had again had to vote against them. It was surprising that the Third Committee, having endorsed the Preparatory Committee decisions, was about to take action on a draft resolution which in part contradicted them. She recognized the sponsors' effort to accommodate the European Union proposals, but draft resolution A/C.3/62/L.65/Rev.1 changed the Preparatory Committee's agreement concerning the holding of international, regional and national meetings or other initiatives and contained language which could be construed as prejudging the special procedures review process under way at the Human Rights Council. Paragraphs dealing with budgetary arrangements for the Review Conference and preparatory process also contradicted Preparatory Committee decision 1/12. The agreement concerning financing of the preparatory process had been reopened and new language had been included seeking adequate funding from the United Nations regular budget for the Review Conference itself before a decision had been taken on its format, venue and duration, essential aspects to be determined before funding provisions were adopted. European Union proposals pursuing that aim and seeking to bring the text into line with previous agreements had not been incorporated. The full budget implications of draft resolution A/C.3/62/L.65/Rev.1, estimated at $7.2 million, would be addressed at the appropriate time, when consultations had been completed on the organizational arrangements, date and duration of the conference. The European Union further regretted that little time had been devoted to consultations, given the complexity of the text and the extensive process to which it referred. The European Union therefore wondered whether such efforts at compromise were worthwhile when they could be so easily undone, and entertained doubts as to whether some key players in the process were genuinely interested in keeping the Durban follow-up process on a consensus basis including all regions. Accordingly, the European Union would vote against draft resolution A/C.3/62/L.65/Rev.1.

70. **Mr. Margaran** (Armenia) said that, for his country, action to combat racism, racial discrimination, xenophobia and related intolerance had always been a high priority. Armenia had participated actively in the Durban Conference. It had supported plans for a review conference and participated in the Preparatory Committee. The only way for the process to succeed was through consensus decisions reflecting its universality. Unfortunately, differences had arisen during the negotiation, and draft resolution A/C.3/62/L.65/Rev.1 did not represent consensual decisions. While remaining firmly committed to combating racism, racial discrimination, xenophobia and related intolerance, and while encouraging all concerned to spare no effort in returning the process to a consensual basis, his delegation would abstain in the voting.

71. **Mr. Hayee** (Pakistan), speaking on a point of order, said that he wished to clarify that the Committee was voting on draft resolution A/C.3/62/L.65/Rev.1, which was substantially different from draft resolution A/C.3/62/L.65, which had been referred to by the representative of Portugal.

72. *A recorded vote was taken on draft resolution A/C.3/62/L.65/Rev.1, as orally revised.*

73. *Draft resolution A/C.3/62/L.65/Rev.1, as orally revised, was adopted by 119 to 45 with 6 abstentions.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland,

Syrian Arab Republic, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Japan, Liechtenstein, New Zealand, Norway, Switzerland.

Agenda item 129: Programme planning

74. **The Chairman** said that agenda item 129 had been allocated to all Main Committees. In the case of the Third Committee, no action was required at the current session.

Agenda item 121: Revitalization of the work of the General Assembly

Programme of work of the Third Committee for the sixty-third session of the General Assembly (A/C.3/62/L.86)

75. **The Chairman** said he took it that the Committee wished to adopt the draft programme of work (A/C.3/62/L.86) and to transmit it to the plenary Assembly for approval.

76. *It was so decided.*

Completion of the Committee's work

77. After an exchange of courtesies, in which **Mr. Jesus** (Angola), **Ms. Booker** (Bahamas), **Mr. Guo** Jiakun (China), **Ms. Klopčič** (Slovenia), **Ms. Kreibich** (Germany), **Mr. Heller** (Mexico) and **Mr. Al-Saif** (Kuwait) spoke on behalf of regional groups of States, and **Mr. Rees** (United States of America) and **Ms. Cross** (United Kingdom) spoke, the Chairman declared that the Third Committee had completed its work for the first part of the sixty-second session.

The meeting rose at 6.40 p.m.